

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TICOR TITLE INS. CO.,

Plaintiff,

v.

Case No. 05-CV-73709-DT

NATIONAL ABSTRACT AGENCY, INC.,
EDWARD HARRIS and CITY TITLE
AGENCY, INC.,

Defendants,

and

CITY TITLE AGENCY, INC.,

Cross-Claimant,

v.

NATIONAL ABSTRACT AGENCY, INC.
and EDWARD HARRIS,

Cross-Defendants,

and

NATIONAL ABSTRACT AGENCY, INC.
and EDWARD HARRIS,

Cross-Claimants,

v.

CITY TITLE AGENCY, INC.,

Cross-Defendant.

/

ORDER SCHEDULING LIMITED BENCH TRIAL

On December 20, 2007, the court conducted a telephone conference in the above-captioned case. Counsel for Plaintiff Ticor Title Insurance Company ("Ticor"), Defendant National Abstract Agency, Inc. ("National") and Defendant Edward Harris ("Harris") participated in the call and informed the court that settlement negotiations had reached a stalemate related to Ticor's pending breach of fiduciary duty claim.¹ The court suggested, and the parties agreed, that the most efficient manner in which to proceed would be to schedule an immediate bench trial to resolve the fiduciary duty claim. The parties can thereafter continue their settlement negotiations. Accordingly,

IT IS ORDERED that the court will conduct a limited bench trial on Ticor's claim for breach of fiduciary duty on **January 11, 2008 at 11:00 a.m.** The parties are DIRECTED to submit reasonably concise trial briefs, by **January 7, 2008**, which shall include their position on the relevant issue before the court, the applicable legal standard and a brief preview of their argument.²

s/Robert H. Cleland

ROBERT H. CLELAND

UNITED STATES DISTRICT JUDGE

Dated: December 21, 2007

¹The court was unable to contact counsel for Defendant City Title Agency, Inc. ("City Title").

²Inasmuch as Ticor does not assert this claim against City Title, the court views City Title's presence at the trial as completely voluntary. Thus, City Title need not submit any trial brief.

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 21, 2007, by electronic and/or ordinary mail.

s/Lisa G. Wagner

Case Manager and Deputy Clerk
(313) 234-5522